

# HB265 INTRODUCED



1 HB265  
2 6TLI331-1  
3 By Representative Bolton  
4 RFD: Public Safety and Homeland Security  
5 First Read: 29-Feb-24



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SYNOPSIS:

Under existing law, children are required to use child passenger restraint systems based on their age and weight. Specifically, children are required to use rear facing car seats until at least one year of age or 20 pounds; are required to use front facing convertible seats until at least five years of age or 40 pounds; and are required to use booster seats until at least six years of age.

This bill would require a child to use a rear-facing infant seat until the child is two years of age or 22 pounds.

This bill would require a child that has met the conditions to begin using a belt positioning booster seat to continue to use the booster seat until the child is six years of age and can pass a five-step test demonstrating readiness to use a seat belt.

This bill would require all other individuals in a vehicle to wear a seat belt, with limited existing exceptions.

This bill would also prohibit a child under 13 years of age from sitting in the front seat of a motor vehicle, with exceptions.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect



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29 would be to require a new or increased expenditure of  
30 local funds from becoming effective with regard to a  
31 local governmental entity without enactment by a 2/3  
32 vote unless: it comes within one of a number of  
33 specified exceptions; it is approved by the affected  
34 entity; or the Legislature appropriates funds, or  
35 provides a local source of revenue, to the entity for  
36 the purpose.

37 The purpose or effect of this bill would be to  
38 require a new or increased expenditure of local funds  
39 within the meaning of the section. However, the bill  
40 does not require approval of a local governmental  
41 entity or enactment by a 2/3 vote to become effective  
42 because it comes within one of the specified exceptions  
43 contained in the section.

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A BILL

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TO BE ENTITLED

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AN ACT

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50 Relating to motor vehicles; to amend Section 32-5-222,  
51 Code of Alabama 1975, to further provide for the requirement  
52 to use child passenger restraint systems and seatbelts; and in  
53 connection therewith would have as its purpose or effect the  
54 requirement of a new or increased expenditure of local funds  
55 within the meaning of Section 111.05 of the Constitution of  
56 Alabama of 2022.



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57 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

58 Section 1. Section 32-5-222, Code of Alabama 1975, is  
59 amended to read as follows:

60 "§32-5-222

61 (a) Every person transporting a child in a motor  
62 vehicle operated on the roadways, streets, or highways of this  
63 state, shall provide for the protection of the child by  
64 properly using an aftermarket or integrated child passenger  
65 restraint system meeting applicable federal motor vehicle  
66 safety standards and the requirements of subsection (b). This  
67 section shall not be interpreted to release in part or in  
68 whole the responsibility of an automobile manufacturer to  
69 ~~insure~~ ensure the safety of children to a level at least  
70 equivalent to existing federal safety standards for adults. In  
71 no event shall failure to wear a child passenger restraint  
72 system be considered as contributory negligence. The term  
73 "motor vehicle" as used in this section shall include a  
74 passenger car, pickup truck, van (seating capacity of 10 or  
75 less), minivan, or sports utility vehicle.

76 (b) The size appropriate restraint system required for  
77 a child in subsection (a) must meet the requirements of  
78 Section 32-5B-4 and shall include all of the following:

79 (1) Infant only seats and convertible seats ~~used~~ in the  
80 rear facing position ~~for infants~~ until the child is at least  
81 ~~one year~~ two years of age or ~~20~~ 22 pounds.

82 (2) Convertible seats in the forward position or  
83 forward facing seats until the child is at least five years of  
84 age or 40 pounds.



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85 (3) ~~Booster~~Belt positioning booster seats until the  
86 child is at least six years of age and can satisfy all of the  
87 following conditions:

88 a. The child is able to sit all the way back against  
89 the vehicle seat.

90 b. The child's knees bend comfortably at the edge of  
91 the seat.

92 c. The seatbelt crosses the child's shoulder between  
93 the neck and arm.

94 d. The lap belt is able to lay flat across the child's  
95 upper thighs.

96 e. The child is able to stay seated as described in  
97 this subdivision for the entire trip.

98 (4) Seat belts ~~until 15 years of age~~for every other  
99 individual, except as provided under Section 32-5B-4(b).

100 (c) In addition to the requirements of subsection (a)  
101 and (b), no child under 13 years of age may ride in the front  
102 seat of a motor vehicle, and shall ride in the second or third  
103 row of the motor vehicle, unless either of the following  
104 circumstances exist:

105 (1) The motor vehicle does not have a second row of  
106 seats.

107 (2) Circumstances require the child to use the front  
108 seat, including when all otherwise available second or third  
109 row seats are full or are equipped with a child passenger  
110 restraint system not applicable to the child.

111 ~~(c)~~ (d) No provision of this This section shall not be  
112 construed ~~as creating~~ to create any duty, standard of care,



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113 right, or liability between parent and child that is not  
114 recognized under the laws of the State of Alabama ~~as they~~  
115 ~~presently exist, or may, at any time in the future, be~~  
116 ~~constituted by statute or decision.~~

117 ~~(d)~~ (e) Any person violating ~~the provisions of~~ this  
118 section shall be required to attend a court hearing on the  
119 violation, which may not be waived.

120 (f) (1) a. On a first violation, the person may be fined  
121 twenty-five dollars (\$25) ~~for each offense.~~

122 b. On a second violation within a five-year period, the  
123 person shall be fined fifty dollars (\$50).

124 c. On a third violation within a five-year period, the  
125 person shall be fined one hundred dollars (\$100).

126 d. On a four or subsequent violation within a five-year  
127 period, the person shall be fined one hundred fifty dollars  
128 (\$150).

129 (2) The charges may be dismissed by the trial judge  
130 hearing the case and no court costs shall be assessed upon  
131 proof of acquisition of an appropriate child passenger  
132 restraint.

133 ~~(e)~~ (g) Fifteen dollars (\$15) of a fine imposed under  
134 subsection ~~(d)~~ (e) shall be used to distribute vouchers for  
135 size appropriate child passenger restraint systems to families  
136 of limited income in the state. The fifteen dollars (\$15)  
137 shall be deposited in the State Treasury to be distributed by  
138 the state Comptroller to the Department of Public Health,  
139 which shall administer the program free of charge.

140 ~~(f)~~ (h) The provisions of this section notwithstanding,



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141 nothing contained ~~herein~~ in this section shall be deemed a  
142 violation of any law ~~which~~ that would otherwise nullify or  
143 change ~~in any way~~ the provisions or coverage of any insurance  
144 contract.

145 ~~(g)~~ (i) For the purpose of identifying habitually  
146 negligent drivers and habitual or frequent violators, the  
147 Department of Public Safety shall assess the following points:

148 (1) Violation of child safety restraint requirements,  
149 first offense .....1 point.

150 (2) Violation of child safety restraint requirements,  
151 second or subsequent offense .....2 points.

152 ~~(h)~~ (j) Every person transporting a child shall be  
153 responsible for ~~assuring~~ ensuring that each child is properly  
154 restrained pursuant to this section. ~~The provisions~~  
155 ~~shall~~; provided, this subsection does not apply to taxis ~~and~~  
156 ~~all~~ or motor vehicles with a seating capacity of 11 or more  
157 passengers.

158 ~~(i)~~ (k) Each state, county, and municipal police  
159 department shall maintain statistical information on traffic  
160 stops of minorities pursuant to this section, and shall report  
161 that information monthly to the Department of Public Safety  
162 and the Office of the Attorney General."

163 Section 2. Although this bill would have as its purpose  
164 or effect the requirement of a new or increased expenditure of  
165 local funds, the bill is excluded from further requirements  
166 and application under Section 111.05 of the Constitution of  
167 Alabama of 2022, because the bill defines a new crime or  
168 amends the definition of an existing crime.



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169                   Section 3. This act shall become effective on October  
170    1, 2024.